

## **IC 11-12-9**

### **Chapter 9. Interstate Community Corrections Hearings**

#### **IC 11-12-9-1**

##### **Notice of potential reincarceration; submission to compact administrator**

Sec. 1. If supervision of a person placed in a community corrections program is being administered under IC 11-12-8, the appropriate judicial or administrative authorities in Indiana shall notify the compact administrator of the sending state if consideration should be given to retaking or reincarcerating the person because of a violation of a term of the person's community corrections sentence.  
*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-2**

##### **Hearings prior to notice of reincarceration**

Sec. 2. Before giving notification under section 1 of this chapter, a hearing shall be held in accordance with this chapter within a reasonable time unless the hearing is waived by the person who has allegedly violated a term of the person's community corrections sentence.  
*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-3**

##### **Hearing record, report, and recommendations**

Sec. 3. As soon as practicable after the conclusion of a hearing described in section 2 of this chapter, the appropriate officer of Indiana shall do the following:

- (1) Report to the sending state.
- (2) Furnish the sending state with a copy of the hearing record.
- (3) Make recommendations regarding the disposition of the person to the sending state.

*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-4**

##### **Violations of community corrections sentence; custody and detention**

Sec. 4. Pending any proceeding under this chapter, the appropriate officer of Indiana may take custody of and detain the person who allegedly violated a term of the person's community corrections sentence:

- (1) for not more than fifteen (15) days before a hearing is conducted under this chapter; and
- (2) if:
  - (A) the hearing is waived under section 2 of this chapter; or
  - (B) it appears to a hearing officer that retaking or reincarceration is likely to follow the person's hearing;for a reasonable time after the hearing is waived or the hearing has concluded that is necessary to arrange for the person's retaking or reincarceration.

*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-5**

##### **Hearing officers**

Sec. 5. A hearing conducted under this chapter may be held before:

- (1) the administrator of the interstate compact for the supervision of persons in community corrections programs or a deputy of the administrator; or
- (2) any other person authorized under the laws of this state to hear cases of alleged community corrections violations.

However, the hearing officer may not be the person who alleged that the person violated a term of the person's community corrections sentence.

*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-6**

##### **Hearing rights of accused community corrections sentence violator**

Sec. 6. At a hearing conducted under this chapter, the person who has allegedly violated a term of the person's community corrections sentence:

- (1) is entitled to reasonable notice in writing of the nature and content of the allegations to be made, including notice that the purpose of the hearing is to determine whether there is probable cause to believe that the person has committed an act that may lead to a revocation of the person's participation in a community corrections program;
- (2) is entitled to confront and examine any persons who have made allegations against the person; and
- (3) may admit, deny, or explain the violation alleged, call witnesses, and present proof, including affidavits and other evidence, in support of the person's contentions.

*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-7**

##### **Record of proceedings**

Sec. 7. A record of the proceedings under this chapter shall be made and preserved.

*As added by P.L.73-1994, SEC.2.*

#### **IC 11-12-9-8**

##### **Hearings held in other states; records**

Sec. 8. (a) If a person being supervised in another state under the interstate compact set forth in IC 11-12-8 is alleged to have violated a term of the person's community corrections sentence, any appropriate judicial or administrative officer or agency in the other state may conduct a hearing concerning the alleged violation.

(b) Upon receipt of the record of a hearing held in another state under a statute substantially similar to IC 11-12-8 and this chapter, the record has the same standing and effect as though the proceeding

of which it is a record had been conducted before the appropriate officer in Indiana. The recommendations contained in or accompanying the record shall be fully considered by the appropriate officer in making a decision concerning the alleged violation.

*As added by P.L.73-1994, SEC.2.*